

5,680,619) (OA, paragraph 4); rejected claims 5-6, 9, 11-12, 15, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Baecker et al., Johnston, Jr. et al., and Gudmundson, and further in view of Gallagher (Computer Visualization: Graphics Techniques for Scientific and Engineering Analysis) (OA, paragraph 5); rejected claims 7, 19-21, 25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Johnston, Jr. et al. (OA, paragraph 6); rejected claims 22-24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over STN Express, Lagarde et al. (U.S. Patent No. 5,721,908), Johnston, Jr. et al., and further in view of Gish (U.S. Patent No. 5,848,246) (OA, paragraph 7); rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Baecker et al., STN Express, Lagarde et al., and Johnston, Jr. et al. (OA, paragraph 8); and rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Johnston, Jr. et al., and further in view of Gallagher (OA, paragraph 9).

In view of the remarks that follow, Applicants respectfully traverse the Examiner's rejections of claims 1-32 under 35 U.S.C. § 103(a).

The Examiner rejected claims 22-24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over STN Express, Lagarde et al., Johnston, Jr. et al., and further in view of Gish (OA, paragraph 7). The Examiner alleged that STN Express discloses, *inter alia*, providing an emulator for a PC which emulates actions of a mainframe allowing a user on the PC to view actions of the mainframe, providing a status bar on the PC screen with the word 'online' or 'offline' depending on whether the emulator is connected to the mainframe, displaying the word 'online' in green when the mainframe awaits input from the PC user, and displaying the word 'online' in red when the user is instructed to wait for output from the mainframe after data is entered. The Examiner argued that the use of an emulator by STN Express can be interpreted as

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

a method where a first computer has acted upon a software container in a second computer. The Examiner also alleged that Lagarde et al. discloses coupling a database on a different server computer with a user computer equipped with a browser where the user requests information from the database server, and accessing data through a network. The Examiner further alleged that Gish provides animated icons on an Internet server wherein the user of a second computer system accessing the server can execute software stored on the server from the second computer system. The Examiner also asserted that it would have been obvious to detect if a second computer system has acted upon a container and to update an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system.

Applicants respectfully submit that the Examiner has improperly applied Gish as a prior art reference. Pursuant to 35 U.S.C. § 103(c), subject matter developed by another person, which qualifies as prior art only under subsection (e) of section 102 of this title, shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Gish qualifies as prior art only under 102(e) (Gish was filed before the effective filing date of June 30, 1997 of the present application, but issued after the effective filing date). Moreover, both Gish and the present application are assigned to Sun Microsystems, Inc. Accordingly, 35 U.S.C. § 103(c) is applicable, and Gish cannot preclude patentability under 35 U.S.C. § 103(a), leaving STN Express, Lagarde et al., and Johnston, Jr. et al. as the only valid references.

The present invention recited in claim 22, for example, recites a process for reflecting activity of a network-based software container associated with a first computer system,

comprising: detecting if a second computer system has acted upon the container; and updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system.

Applicants respectfully submit that STN Express, Lagarde et al., and Johnston, Jr. et al. do not disclose or suggest this claimed combination of steps. Among other things, the references do not disclose or suggest updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system.

The Examiner relied on Gish to help provide a teaching of updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. As established above, Gish cannot properly be applied as prior art. Moreover, there is no teaching or suggestion in STN Express, Lagarde et al., or Johnston, Jr. et al. to modify their systems so that an animated sequence to be displayed on the first computer system is updated so as to reflect the actions of the second computer system. None of the references actually show an animated sequence that is updated in the aforementioned manner. Accordingly, none of STN Express, Lagarde et al., or Johnston, Jr. et al. disclose or suggest updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. A combination of these references also fails to teach updating in this manner.

On page 15 of the Office Action, the Examiner alleged that it is widely acceptable in the art for Internet terminals to display actions which are the reflection of actions of corresponding servers. The Examiner also alleged that these actions often include animated sequences to be displayed on the first computer system so as to reflect actions of the computer system.

Applicants submit that the Examiner's allegations are not widely acceptable, and request the Examiner to produce a reference proving the veracity of his statements.

For at least the foregoing reasons, Applicants submit that claim 22 is patentable over STN Express, Lagarde et al., and Johnston, Jr. et al. Applicants further submit that claim 26 is patentable over STN Express, Lagarde et al., and Johnston, Jr. et al., and that claim 28 is patentable over Baecker et al., STN Express, and Johnston, Jr. et al., for at least the reasons given with respect to claim 22.

The Examiner rejected claims 1, 13, 29 and 31-32 under 35 U.S.C. § 103(a) as being unpatentable over Baecker et al. in view of Johnston, Jr. et al. (OA, paragraph 3). The Examiner alleged that Baecker et al. discloses, *inter alia*, the modification of an animation icon when a corresponding file or folder changes, so that new animation frames are generated. The Examiner admitted that Baecker et al. fails to teach transitional visual effects or animation for allowing users to view the transition of an object between two different static states of elements and relied on Johnston, Jr. et al. to teach that feature. The Examiner also alleged that Johnston, Jr. et al. discloses detecting an event reflecting a change in the state of the container. The Examiner alleged that it would have been obvious to determine based on a detected event whether an animated sequence does not reflect the state of the container because doing so allows the user to detect whether a change has occurred to a computer file while the user passively observes without entering additional inputs.

The present invention recited in claim 1, for example, recites a process for reflecting a state of a software container having objects, comprising: cyclically displaying a series of frames reflecting a state of the container as an animated sequence; detecting an event reflecting a change

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

in the state of the container; determining based on the detected event whether an animated sequence does not reflect the state of the container; and updating the cyclical display based on the determination.

Applicants respectfully submit that Baecker et al. and Johnston, Jr. et al. do not disclose or suggest this claimed combination of steps. Among other things, the references do not disclose or suggest the step of determining based on the detected event whether an animated sequence does not reflect the state of the container.

Baecker et al. discloses an apparatus and method for generating and displaying a content-based animated depiction of a standard icon. The animated depiction can reflect the state of a folder that has several files in it and can change the animation scenario whenever the folder represented by the animated icon is modified (col. 8, line 58 - col. 9, line 6). In contrast, the animated sequence according to the present invention is changed when it has been determined that the animated sequence does not reflect the state of a container. In this manner, unnecessary update cycles can be eliminated thereby improving performance. This is reflected in the written description with regard to an implementation of the present invention. Upon the detection of the event that reflects a change in state, animated indicator program 206, through monitor program 208, determines whether the state of the software container has changed enough to warrant a revised animation cycle (page 7, lines 1-3). If there has not been enough of a change, then no revised animation cycle is needed. As a consequence of this configuration, the system does not even attempt to update the cyclical display when an update is not necessary.

In Baecker et al., updates occur every time there is a folder modification, thus wasting valuable time if it turns out that the animation scenario does not have to be changed at all. In

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

other words, Baecker et al. keeps its cyclical display accurate by regenerating the frames that constitute the cyclical display every time a modification to the folder occurs. There is no quality control as to whether the regeneration is needed. For example, if a user of the system in Baecker et al. were to delete one file and create another file in between update cycles, the system would detect that a folder modification has occurred and cause a regeneration of the frames. In this case, however, a regeneration was not needed because the number of files in the folder remained the same. Thus, the system performed a regeneration that was not necessary to ensure that the cyclical display reflected the state of the folder. In contrast, a system consistent with the present invention eliminates that unnecessary regeneration by determining whether the animated sequence reflects the state of the folder. Accordingly, Baecker et al. does not disclose or suggest the step of determining based on the detected event whether an animated sequence does not reflect the state of the container.

The teachings of Johnston, Jr. et al. are not sufficient to make up for the deficiencies of Baecker et al. As stated by the Examiner, Johnston, Jr. et al. discloses the use of animation for allowing users to view the transition of an object between two different static states of elements within a GUI. There is nothing in Johnston, Jr. et al., however, to suggest determining based on the detected event whether an animated sequence does not reflect the state of the container.

The Examiner asserted that it would have been obvious to determine based on a detected event whether an animated sequence does not reflect the state of the container because doing so allows the user to detect whether a change has occurred to a computer file while the user passively observes without entering additional inputs. Applicants respectfully disagree with that position. As explained before, neither Baecker et al. nor Johnston, Jr. et al. disclose the

aforementioned determining step. Furthermore, Applicants submit that animation only while the state is being changed is not sufficient to teach determining whether an animated sequence does not reflect the state of the container. Animating only while the state is being changed might be evidence that an update of the animated sequence occurs, but does not prove that a separate determination occurs. The present invention includes both a determination and an update. Accordingly, neither Baecker et al. nor Johnston, Jr. et al. disclose or suggest the step of determining based on the detected event whether an animated sequence does not reflect the state of the container. The combination of Baecker et al. and Johnston, Jr. et al. also fails to teach this claim element.

Moreover, Baecker et al. actually teaches away from such a determination. Baecker et al. discloses that when an object is modified, the associated animation can be regenerated on a periodic basis (col.8, lines 63-65). This regeneration on a periodic basis is essentially an unconditional update of the frames that constitute the animation. Periodic regeneration is unconditional because the regeneration occurs every given time period without checking other factors. On the other hand, systems consistent with the present invention, utilize an update function that occurs conditionally based on whether the current animation sufficiently reflects the state of the container. It is not obvious to change an unconditional update, such as that taught by Baecker et al., to a conditional update, such as that taught by the present invention. Furthermore, there is no teaching or suggestion in either Baecker et al. or Johnston, Jr. et al. to alter the combined system of the references so that there is an update conditional on an animated sequence matching the container state. Accordingly, it would not have been obvious to determine based on a detected event whether an animated sequence does not reflect the state of the container.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over Baecker et al. in view of Johnston, Jr. et al. Applicants further submit that claims 13, 29 and 31 are patentable over Baecker et al. in view of Johnston, Jr. et al., and that claim 7 is patentable over Baecker et al., for at least the reasons given with respect to claim 1.

With respect to claim 32, the Examiner alleged that:

Any process resulting from the activation of an icon can be interpreted as detecting an event reflecting a change in the state of the container, wherein the container is a separate page related to user discussion. Icons used for linking to a URL is a container containing a web page related to user discussion.

Office Action, page 3, lines 6-9.

Claim 32 recites a process for reflecting a state of a software container having objects, comprising: cyclically displaying a series of frames reflecting a state of the container as an animated sequence; detecting an event reflecting a change in the state of the container, wherein the container is a web page related to user discussion; determining based on the detected event whether an animated sequence does not reflect the state of the container; and updating the cyclical display based on the determination.

Applicants submit that there is nothing at all in either Baecker et al. or Johnston, Jr. et al. that discloses or suggests detecting an event reflecting a change in the state of the container, wherein the container is a web page related to user discussion. The Examiner has made the allegation that icons used for linking to a URL is a container containing a web page related to user discussion. Neither Baecker et al. nor Johnston, Jr. et al. disclose an icon for linking to a URL. Moreover, assuming, *arugendo*, that such an icon is disclosed, the icon still cannot be considered a container that is a web page related to user discussion. In systems consistent with

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

the present invention, a web page related to user discussion is a web page with pointers to a variety of discussion forums in which users may post questions, respond with answers, and respond with comments (see specification, page 4). When an event reflecting a change in the state of web page occurs (e.g., a user posts a new question), that event is detected, and a cyclical display may accordingly be updated. Neither Baecker et al. nor Johnston, Jr. et al. disclose detecting an event in such a web page. Accordingly, neither Baecker et al. nor Johnston, Jr. et al. disclose or suggest detecting an event reflecting a change in the state of the container, wherein the container is a web page related to user discussion. The combination of Baecker et al. and Johnston, Jr. et al. also fails to teach this claim element.

For at least the foregoing reasons, Applicants submit that claim 32 is patentable over Baecker et al. in view of Johnston, Jr. et al.

The Examiner rejected claims 7, 19-21, 25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Johnston, Jr. et al. (OA, paragraph 6). With respect to claim 7, the Examiner alleged that Johnston, Jr. et al. discloses, *inter alia*, displaying state changes which correspond with state changes, detecting changing of software state through the use of active animation, and cyclically displaying an animated sequence in the form of a rotating button. The Examiner cited no reference as teaching the step of determining based on the detected event whether an animated sequence does not reflect the state of the container. The find button in Johnston, Jr. et al. is relied on by the Examiner as showing an animated sequence that reflects the state of a container.

Applicants submit that there is nothing at all in Johnston, Jr. et al. that discloses or suggests determining whether the find button does not reflect the state of a container. The Examiner appears to have attempted to overcome this deficiency of Johnston, Jr. et al. by stating that it

would have been obvious to provide such a determination because doing so enables the computer programmer to provide a user-friendly method for the software user to track software states.

Applicants submit that the Examiner has not provided an adequate motivation to modify Johnston, Jr. et al. to include the determination. The find button is nothing more than a trigger for activating a function to be performed. One of ordinary skill in the art would not be motivated to determine whether this find button reflects the state of a software container. Accordingly, Johnston, Jr. et al. does not disclose or suggest determining based on the detected event whether an animated sequence does not reflect the state of the container.

For at least the foregoing reasons, Applicants submit that claim 7 is patentable over Johnston, Jr., et al.

The present invention recited in claim 19, for example, recites a process for reflecting activity of a software container that is closed, comprising: detecting activity of the closed container; and updating an animated sequence so as to reflect activity of the closed container.

Applicants respectfully submit that Johnston, Jr. et al. does not disclose or suggest this claimed combination of steps. Among other things, the reference does not disclose or suggest detecting activity of the closed container, and updating an animated sequence so as to reflect activity of the closed container.

The Examiner indicated that it would have been obvious to include these steps in Johnston, Jr. et al. Applicants respectfully disagree with that position. There is no teaching or suggestion in Johnston, Jr. et al. to modify its system so that activity of the closed container is detected, and an animated sequence of the closed container is updated so as to reflect activity. Johnston, Jr. et al. discloses detecting the activity of a menu item (i.e., a button), and that an

animated sequence is updated as to reflect activity of a button. A button is in no way analogous to a closed container. Accordingly, there is no suggestion in Johnston, Jr. et al. as to why one of ordinary skill in the art would modify the system of Johnston, Jr. et al. so that activity of the closed container is detected, and an animated sequence of the closed container is updated so as to reflect activity.

For at least the foregoing reasons, Applicants submit that claim 19 is patentable over Johnston, Jr., et al. Applicants further submit that claim 25 is patentable over Johnston, Jr., et al., and that claim 27 is patentable over Baecker et al., STN Express, and Johnston, Jr. et al., for at least the reasons given with respect to claim 19.

The dependent claims are allowable not only for the reasons stated above with regard to their respective base claims, but also for their own patentable features.

Since each of the independent claims have been placed in allowable form, Applicants respectfully request the timely allowance of this application.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

If an extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby requested. If there are any fees due under 37 C.F.R. § 1.16 or 1.17 which are not enclosed, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge those fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Walter D. Davis, Jr.

Reg. No. 45,137

Dated: February 16, 2001

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000